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10 **UNITED STATES BANKRUPTCY COURT**
11 **EASTERN DISTRICT OF WASHINGTON**

12 In re:

13 GIGA WATT, Inc., a Washington
14 corporation,

15 Debtor.

16 Case No. 18-03197 FPC 11

17 The Honorable Frederick P. Corbit

18 **NOTICE OF TRUSTEE'S MOTION**
19 **FOR ORDER SETTING MONTHLY**
20 **INTERIM PAYMENT PROCEDURE**

21 **PLEASE TAKE NOTICE THAT** Mark D. Waldron, in his official
22 capacity as the Chapter 11 Trustee (the “Trustee”) has filed the *Trustee’s Motion*
23 for an Order Setting Monthly Interim Payment Procedure (the “Motion”) pursuant
24 to which the Trustee will be paid on a monthly basis, subject to final review and
25 approval or disgorgement. The proposed procedure is as follows:

26 1. Each month, the Trustee will file and serve, as set forth below, a
27 notice stating the amount of fees and expenses that he accrued in the calendar
28 month prior (the “Notice of Monthly Interim Fee Statement”).

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30 **NOTICE OF MOTION FOR MONTHLY INTERIM PAYMENT PROCEDURE**

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1 2. The Trustee will serve the Notice of Monthly Interim Fee Statement
2 upon all parties who have registered to participate in Electronic Court Filing (the
3 “Monthly Notice Parties”).

4 3. The Monthly Notice Parties will have ten (10) days from the date of
5 service of the Notice of Interim Fee Statement to file with the Court and serve
6 upon the Trustee and undersigned counsel an objection to the proposed fees.

7 4. If no timely objection is filed with the Court, then the Trustee may
8 cause the Debtor to pay the Trustee up to the sum of \$15,000 for fees plus
9 expenses incurred; provided that if monthly fees are less than \$15,000, then the
10 Trustee will cause the Debtor to pay actual fees plus expenses.

11 5. The Trustee shall use his business judgment in deciding whether to
12 cause the Debtor to pay any portion of the monthly interim payments. . If the
13 Trustee decides in the exercise of his business judgment that the Debtor should
14 not pay otherwise properly noticed fees, that unpaid interim allowed amount will
15 roll forward and will be payable at such time as the Trustee deems appropriate.
16 Furthermore, payment of the rolled forward amount will not count toward the
17 \$15,000 cap.

18 6. If a timely objection is filed with the Court, then the Trustee shall set
19 the matter for hearing, which may be on an expedited basis.

20 7. If a party objects to less than the full amount of the requested fees or
21 expenses set forth in the Notice of Monthly Interim Fee Statement, then the
22 Trustee may cause the Debtor to pay him the amount of fees to which there is no
23 objection up to the sum of \$15,000 plus expenses.

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1 8. All fees and expenses will be subject to final review and approval
2 after notice and hearing pursuant to section 330 of title 11 of the United States
3 Code.

4 9. The Trustee shall disgorge any fees and expenses that have been paid
5 pursuant to the Monthly Interim Payment Procedure but that are not allowed on a
6 final basis.

7 **PLEASE TAKE FURTHER NOTICE** that a copy of the Motion along
8 with the Memorandum of Points and Authorities and Declaration of Mark D.
9 Waldron filed in support of the Motion may be obtained from the Clerk of the
10 Court.

11 **PLEASE TAKE FURTHER NOTICE** that any objection to the Motion
12 must be filed and served upon undersigned counsel on or before 21 days (plus 3
13 days if served by mail) from the date of service of this Notice. The Court may
14 enter an order without an actual hearing or further notice unless a written
15 objection is timely served and filed.

16 | October 9, 2019 POTOMAC LAW GROUP

By: *s/ Pamela M. Egan*
Pamela M. Egan (WSBA No. 54736)

*Attorneys for Mark D. Waldron, Chapter 11
Trustee*

20 | DATE OF SERVICE: October 9, 2019

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